

Serial No. 10/790,314

REMARKS

Claims 17 and 18 have been amended in order to overcome the rejection under 35 U.S.C. § 112. Favorable reconsideration is respectfully requested.

The Examiner concedes that Sander does not suggest a retaining device and attempts to fill that admitted deficiency with Dungan. It is respectfully submitted that a person skilled in the art would not consider the structure of Dungan to be a detent in a manner as recited in claim 19 as originally filed. However, in a spirit of conciliation to advance prosecution of the present application, claim 19 has been amended to further define the present invention to clearly distinguish over the structure of Dungan. Thus, it is respectfully submitted that the rejection of claim 19 and the claims which depend therefrom has been overcome. Favorable reconsideration is respectfully requested.

Further, claims 2, 3 and 8 have been amended to further define the present invention in a manner to even further distinguish over the prior art. Thus, it is respectfully submitted that the rejection of claims 2, 3 and 8 and the claims which depend therefrom have been overcome for this separate and independent reason. Favorable reconsideration is respectfully requested.

Although Bors discloses a clamping device, Bors does not disclose a clamping device of the type of the present invention. However, in a spirit of conciliation to advance prosecution of the present application, claims 14 and 15 have been amended and claims 21 and 22 have been added to further define the present invention in a manner to distinguish over the prior art. Thus, it is respectfully submitted that the rejection of claims 14 and 15 has been overcome for these separate and independent reasons. Favorable reconsideration is respectfully requested.

The Examiner has cited the United States patent listed in the NOTICE OF REFERENCES CITED as A. By the lack of application of this reference and others like it

Serial No. 10/790,314

within the classes or subclasses searched, the Examiner apparently recognizes the clear patentability of the present invention over any of these references.

Therefore, since the claims of the present application have been shown to include limitations directed to the features of applicant's stool apparatus for chair which are neither shown, described, taught, nor alluded to in any of the references cited by the Examiner, whether those references are taken singly or in any combination, the Examiner is requested to allow claims 2-15, 17, 19 and 20-22, as amended, of the present application and to pass this application to issue.

Respectfully submitted,

Yu-Jen Lin



Dated: June 8, 2005.

Alan D. Kamrath, Reg. No. 28,227
NIKOLAI & MERSEREAU, P.A.
Attorneys for Applicant
900 Second Avenue South
Suite 820 International Centre
Minneapolis, MN 55402
Tel: (612) 392-7306
Fax: (612) 349-6556